IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2434 OF 2005

Gulzar Z. Chandiwala ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.M.P. Dalavi, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent State.

Mr.R.D. Suryawanshi, for the Complainant.

...

CORAM : A.M.KHANWILKAR,J.

5th May 2005

P.C.:

. Counsel for the Applicant states on instructions that the proposal given by the wife regarding full and final settlement of all contentious issues between the parties is not acceptable to the Applicant. According to him, the Applicant is not in a position to honour the financial burden if that proposal was to be

accepted. In the circumstances, the only course open for this Court is to relegate the parties to the proceedings pending between them inter se in Criminal Court, or, for that matter, Matrimonial or Civil Court, as the case may be. In terms of order of April 19, 2005, the Applicant has already deposited sum of Rs.1,50,000/- in this Court. The wife will be entitled to withdraw the said amount, which has been deposited by the Applicant in this Court on condition that she will give undertaking that as and when directed by any Court of competent jurisdiction, the amount will be redeposited in Court as per the direction under such order, which may require her to redeposit the principal amount along with interest thereon. That aspect will be considered by the appropriate Court as and when occasion arises. For the time being, this application succeeds on the following terms.

(A) The Applicant is granted anticipatory bail in connection with CR.No.79/2005 registered with Kurla Police Station on executing personal bond in the sum of Rs.50,000/- with two local sureties in

the like amount.

(B) The Applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall co-operate for the purpose of investigation as and when called upon by the concerned Police Station in relation to the abovenumbered CR.

(D) The Applicant shall not make any attempt to contact the First Informant Wife, either directly or indirectly or, for that matter, will threaten her from pursuing legal remedy available to her against the Applicant.

(E) The Applicant shall not enter Vashi, New Bombay, where the First Informant wife is staying along with her parents. Counsel for the Applicant submits that this condition will be unfair and

excessive. I see no reason to accept this argument having regard to the fact that already 3 N.C. complaints have been lodged by the first informant wife against the Applicant for having threatened her and her family members.

(F) This order shall enure in favour of the Applicant till the filing of the charge sheet.

. The First Informant wife is permitted to withdraw the amount deposited by the Applicant in this Court of Rs.1,50,000/- on giving undertaking as mentioned earlier.

(A.M.KHANWILKAR,J.)